

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

REC'D 28 JUN 2005

PCT

PCT

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/GB2005/001212

International filing date (day/month/year)
29.03.2005

Priority date (day/month/year)
29.03.2004

International Patent Classification (IPC) or both national classification and IPC
A63B71/06, G09B29/10, G01S5/14

Applicant
SPORTS ANALYSIS LIMITED

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☒ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/GB2005/001212

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/GB2005/001212

Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

- ☐ the entire international application,
- ☒ claims Nos. 9-10

because:

- ☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (*specify*):
- ☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):
- ☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.
- ☒ no international search report has been established for the whole application or for said claims Nos. 9-10
- ☐ the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:
 - the written form ☐ has not been furnished
 - ☐ does not comply with the standard
 - the computer readable form ☐ has not been furnished
 - ☐ does not comply with the standard
- ☐ the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions.
- ☐ See separate sheet for further details

**WRITTEN OPINION OF THE
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International application No.
PCT/GB2005/001212

Box No. V Reasoned statement under Rule 43b/s.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	1-8,11
Inventive step (IS)	Yes: Claims	
	No: Claims	1-8,11
Industrial applicability (IA)	Yes: Claims	1-8,11
	No: Claims	

2. Citations and explanations

see separate sheet

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/GB2005/001212

Re Item III.

1. Claims 9 and 10 have not been searched (Rule 6.2(a) PCT), therefore, these claims will not be examined (Rule 66.1(e) PCT).

Re Item V.

2. Reference is made to the following documents:

D1 : US 6 171 199 B1 (COHODAS HOWARD A ET AL) 9 January 2001 (2001-01-09)
D2 : US 5 740 077 A (REEVES ET AL) 14 April 1998 (1998-04-14)
D3 : US 2002/165046 A1 (HELBERT ROBERT A) 7 November 2002 (2002-11-07)
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D5 : US 5 319 548 A (GERMAIN ET AL) 7 June 1994 (1994-06-07)
D6 : US 2002/091019 A1 (BAYS JOHN ET AL) 11 July 2002 (2002-07-11)
D7 : US 5 214 757 A (MAUNEY ET AL) 25 May 1993 (1993-05-25)
D8 : US 2002/027524 A1 (PIPPIN JOHN FESTUS) 7 March 2002 (2002-03-07)
D9 : US 6 456 938 B1 (BARNARD KENT DEON) 24 September 2002 (2002-09-24)

3. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of the claims 1 and 5 is not new in the sense of Article 33(2) PCT. Document D1 discloses a process and a system for generating a map of a hole of a golf course, the map including at least one graduation (Fig. 3A) showing the distance between a pin and a fixed point on the hole, the process including the steps of taking a GPS reading of the location of the pin (System 11); and generating the map based on the reading (cf. D1 : Col. 6, lines 8-28, Fig. 4).
4. Each of the documents D2, D3, D4, D8 and D9, considered independently from D1, is also considered to destroy the novelty of the claims 1 and 5 (see International Search Report).

5. Document D5 discloses a method and a system for generating a map of a golf course from which the subject-matter of independent claims 1 and 5 differs in that it expressly uses a GPS for reading the position of the pin.
In D5, however, it is already spoken about the use of a GPS for reading the position of a ball and, moreover, it is also described that the position of the pin is updated daily. The use of the GPS for reading the position of the pin is, therefore, considered to be an obvious evolution of the system and method claimed in the claims 1 and 5.
6. The present application does not meet the criteria of Article 33(1) PCT, because the subject matter of the claims 1 and 5 does not involve an inventive step in the sense of Article 33(3)PCT.
The subject-matter of the claims 1 and 5 differs from the process and the system disclosed in D6 in that a GPS is used, instead of statistical analysis, to read the position of the pin. Such an use of the GPS is merely one of several straightforward possibilities from which the skilled person would select (see for example D7), in accordance with circumstances, without the exercise of inventive skill, in order to solve the problem of reading the position of the pin.
7. Dependent claims 2-4, 6-8 and 11 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step.

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see separate sheet

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